

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

FILED IN OPEN COURT
U.S.D.C. - Atlanta

UNITED STATES OF AMERICA
v.
JERRY JOSEPH SOUTHERN

Criminal Indictment
No. 4 : 23 CR- 32

NOV 07 2023
KEVIN P. WEIMER, Clerk
By *ujoy* Deputy Clerk

THE GRAND JURY CHARGES THAT:

Count One
**(Attempted Receipt of a Visual Depiction of a Minor
Engaging in Sexually Explicit Conduct)**

On or about May 31, 2022, in the Northern District of Georgia, the defendant, JERRY JOSEPH SOUTHERN, did knowingly attempt to receive at least one visual depiction of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), said depiction having been (a) produced using a minor engaging in sexually explicit conduct, and (b) shipped and transported in and affecting interstate and foreign commerce, by any means, including by computer, all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

Count Two
**(Distribution of a Visual Depiction of a Minor
Engaging in Sexually Explicit Conduct)**

On or about July 19, 2022, in the Northern District of Georgia, the defendant, JERRY JOSEPH SOUTHERN, did knowingly distribute at least one visual depiction of a minor engaging in sexually explicit conduct, as defined in Title 18, United States

Code, Section 2256(2), said depiction having been (a) produced using a minor engaging in sexually explicit conduct, and (b) shipped and transported in and affecting interstate and foreign commerce, by any means, including by computer, all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

Count Three
**(Possession of a Visual Depiction of a Minor
Engaging in Sexually Explicit Conduct)**

On or about July 28, 2023, in the Northern District of Georgia, the defendant, JERRY JOSEPH SOUTHERN, did knowingly possess a digital storage device, that is, a cellular telephone, which contained at least one visual depiction of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), said depiction (a) having been produced using a minor engaging in sexually explicit conduct, (b) involving at least one prepubescent minor and at least one minor who had not attained 12 years of age, and (c) having been shipped and transported in and affecting interstate and foreign commerce, by any means, including by computer, all in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

Prior Conviction Notice

Before the defendant, JERRY JOSEPH SOUTHERN, committed the offenses alleged in Counts 1 through 3 of this Indictment, defendant JERRY JOSEPH SOUTHERN was convicted in the Superior Court of Cobb County, Georgia, of Sexual Exploitation of Children, a State offense relating to production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography.

Forfeiture Provision

Upon conviction of one or more of the offenses alleged in Counts One through Three of this Indictment, the defendant, JERRY JOSEPH SOUTHERN, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 2253(a):

1. Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Chapter 110;
2. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense; and
3. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses, or any property traceable to such property.

The property to be forfeited includes, but is not limited to, a personal forfeiture money judgment, that is, a sum of money in United States currency representing the amount of proceeds obtained as a result of the offenses charged in Counts One through Three of this Indictment.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant, JERRY JOSEPH SOUTHERN:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Section, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

A _____ *True* _____ BILL
R. Buchanan

FOREPERSON

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